

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

SHANTINIQUE BAKER as Personal
Representative of the Estate of James Edward
Rey, Jr. Deceased,

Plaintiff,

Case No. 20-cv-11822
Hon. Matthew F. Leitman

v.

CITY OF DETROIT *et al.*,

Defendants.

/

ORDER GRANTING DEFENDANT’S MOTION TO DISMISS (ECF No. 12)

On June 26, 2019, Plaintiff Shantinique Baker, through retained counsel, filed this civil-rights action against the City of Detroit and others. (*See* Compl., ECF No. 1.) Baker’s counsel later filed a motion to withdraw due to a “breakdown in the attorney client relationship.” (Mot., ECF No. 8, PageID.69.) The Court held a video hearing on that motion and granted it on January 7, 2021. (*See* Order, ECF No. 10.) After that hearing, the Court ordered Baker to have new counsel appear on her behalf and file an appearance with the Court by no later than February 8, 2021. (*See* Order, ECF No. 11.)

Baker did not comply with the Court’s order. New counsel has not appeared in this action on Baker’s behalf. Nor has Baker filed a notice with the Court indicating that she wishes to represent herself. Indeed, it does not appear that Baker

has taken any action to prosecute her claims since her counsel was allowed to withdraw.

On April 8, 2021, Defendants filed a motion to dismiss under Federal Rule of Civil Procedure 41(b). (*See* Mot., ECF No. 12.) That rule provides that a court may dismiss an action for “failure of the plaintiff to prosecute or to comply with these rules or any order of the court.” Fed. Rule Civ. Proc. 41(b). Defendants served the motion by United States Mail to Baker at the address Baker has on record with the Court. (*See* Mot., ECF No. 12, PageID.83.) Under the Court’s local rules, Baker’s response to the motion was due no later than April 29, 2021. *See* E.D. Mich. Local Rule 7.1(e)(2)(A). Baker has not filed any response to the motion. Nor has she contacted the Court to request additional time to respond to the motion.

The Court has reviewed Defendants’ motion and concludes that it should be granted. Accordingly, because Baker has failed to comply with the Court’s order to retain new counsel, failed to respond to Defendants’ motion to dismiss, and has otherwise failed to take any action to prosecute her claims, **IT IS HEREBY ORDERED** that Defendants’ motion to dismiss (ECF No. 12) is **GRANTED**. Baker’s claims are **DISMISSED WITHOUT PREJUDICE**.

/s/Matthew F. Leitman
MATTHEW F. LEITMAN
UNITED STATES DISTRICT JUDGE

Dated: May 26, 2021

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on May 26, 2021, by electronic means and/or ordinary mail.

s/Holly A. Monda

Case Manager

(810) 341-9764